

REMARKS

Claims 1-3, 5-7, 10, 11, 13 and 16-18 are all the claims pending in the application.

Reconsideration and review of the claims on the merits are respectfully requested.

Applicants provide Declaration evidence to support the conclusion that one skilled in the art would not combine Tocker with Burger or Kogler. In other words, it would not have been obvious to a person of ordinary skill in the art to modify the pesticidal granules of Tocker by mixing the polyols and polyisocyanates first and then coating the granules with the mixture of polyols and polyisocyanates, for the following reasons.

The polyhydroxylated compound of Tocker is contained in the granular carrier as well as pesticide, and this is characteristic of Tocker. On the other hand, polyols of Burger and Kogler are not contained in the granular carrier. Therefore, the polymerization reaction of Burger and Kogler are different from that of Tocker. Therefore, one of ordinary skill in the art would not simply combine the references with different polymerization reactions to replace one type of polymerization reaction with another unless there is motivation to do so. As discussed previously, since Tocker is complete and functional itself and uses a different polymerization reaction from Burger and Kogler, one of ordinary skill in the art would not combine Tocker with Burger and Kogler.

In support thereof, Applicants provide a Declaration under 37 C.F.R. § 1.131 showing experimental evidence comparing the composition of the present invention with Tocker's composition. In Production Example (1) of the present invention, the granular pesticidal composition was uniformly coated, and no agglomerated granules were observed. The resultant obtained by adding the polymeric MDI, the trifunctional polypropylene glycol polyol and the

2,4,6-tris(dimethylaminomethyl)phenol to the pesticidal active ingredient-containing granule had good condition for mixing, although it had a middle viscosity.

On the other hand, in the Comparative Production Example (1) and in the Comparative Production Example (2), similar to the composition of Tocker, the comparative compositions contained not only coated granules, but also up to a lot of agglomerated granules. In the Comparative Production Examples (1) and (2), the resultants obtained by adding the polymeric MDI to the granules containing the pesticidal active ingredient and the polyol had a remarkable viscosity and no good condition for mixing in the granulator.

Furthermore, as shown in the Declaration Table, the sample release ratio of Comparative Composition (2), similar to the composition of Tocker, indicates that all of the initial amount of pesticidal active ingredient was eluted within or up to 14 days. On the other hand, the sample release ratio of Composition (1), according to the present invention, indicates that controlled release of the pesticidal active ingredient for a long period, through 14 days and at least up to 42 days, is attained.

As discussed previously, since Tocker is complete and functional itself and uses a different polymerization reaction from Burger and Kogler, one of ordinary skill in the art would not combine Tocker with Burger and Kogler.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) as being unpatentable over Tocker in view of Burger and Kogler.


RESPONSE UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 08/987,380

Q48500

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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